

**CONSTITUTION**

of the

**PSAC**

**As adopted by the Founding Convention  
at Ottawa, November 9 and 10, 1966  
and as amended by the  
Triennial National Triennial Convention**

in

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Schedule A Regulations

## **LIST OF ACRONYMS USED IN CONSTITUTION**

<b>PSAC</b>	-	<b>Public Service Alliance of Canada</b>
<b>AEC</b>	-	<b>Alliance Executive Committee</b>
<b>NBoD</b>	-	<b>National Board of Directors</b>
<b>DCL</b>	-	<b>Directly Chartered Local</b>
<b>NEVP</b>	-	<b>National Executive Vice-President</b>
<b>REVP</b>	-	<b>Regional Executive Vice-President</b>

## **CONSTITUTION**

### **SECTION 1**

#### **NAME**

This Union shall be known as the Public Service Alliance of Canada hereinafter referred to as the "PSAC".

### **SECTION 2**

#### **HEADQUARTERS**

The PSAC shall have its headquarters in the National Capital Region.

### **SECTION 3**

#### **OBJECTS**

##### *Sub-Section (1)*

To unite all workers in a single democratic organization.

##### *Sub-Section (2)*

To obtain for all workers the best standards of compensation and other conditions of employment and to protect the rights and interests of all workers.

##### *Sub-Section (3)*

To maintain and defend the right to strike.

### **SECTION 4**

#### **MEMBERSHIP**

##### *Sub-Section (1)*

All workers, as determined from time to time by the NBoD in session, or by the AEC in session, shall be eligible for membership in the PSAC.

### *Sub-Section (2)*

All members of the PSAC shall be considered members in good standing subject to this Section and to Section 25 of this Constitution.

Members in good standing are entitled to the rights and privileges as outlined in Section 5 of this Constitution.

Members in good standing are defined as follows:

- (a) Dues-paying members who have signed a PSAC Application for Membership Form, whose membership is not currently suspended by the PSAC NBoD, and whose dues are kept current and paid no later than the month in which they become due;
- (b) For the duration of tenure of their office, dues-paying members elected to a full-time position in the PSAC, a Component or a DCL who are laid off or dismissed by the employer for action undertaken on behalf of the membership subject to Sections 4 and 25 of this Constitution, and whose dues are kept current and paid no later than the month in which they become due;
- (c) Dues-paying members who are employed by the Canadian Labour Congress (CLC), chartered Federations of Labour or Labour Councils, whose dues are kept current and paid no later than the month in which they become due;
- (d) Non dues-paying members who have signed a PSAC Application for Membership Form and who are not yet paying dues because their first collective agreement has not yet been reached or signed;
- (e) Non dues-paying members laid off by their employer may have their membership extended for a maximum of thirty (30) months subsequent to lay-off. The rights and responsibilities of non-dues paying members under Sub-Section (2) (e) are defined in Regulations adopted by the NBoD.
- (f) Non dues-paying PSAC members who do not have alternative paid employment and who are temporarily away on leave without pay for reasons including disability, injury at work, maternity leave, parental leave, adoption leave, leave for care of family members or leave for family responsibilities greater than two (2) years, and who are not required to pay dues pursuant to Section 24 in any amount or percentage while on leave without pay. Members under Sub-Section (2) (f) may have their membership extended for a maximum of thirty (30) months. The rights and responsibilities of members under Sub-Section (2) (f) are defined in Regulations adopted by the NBoD.
- (g) Dues paying and non-dues paying seasonal indeterminate or equivalent members;

- (h) Non-dues paying Honorary Members as defined in Sub-Sections (5) and (6);
- (i) Non-dues paying Life Members as defined in Sub-Sections (7) and (8);
- (j) Non-dues paying Associate Members as defined in Sub-Sections (9) and (10).

*Sub-Section (3)*

A member must not hold office in another union, organization, or group that is in active competition with the PSAC.

*Sub-Section (4)*

Any member of the PSAC who has been found guilty, in accordance with Section 25, of contravening any Section of this Constitution and/or By-Laws of the Component and/or Local to which the member belongs shall have his/her membership revoked by written notification signed jointly by the authorized senior elected officers of the AEC and of the Component.

*Sub-Section (5)*

Through application by a Component to the NBoD, a member who has retired may be granted Honourary Membership for outstanding service to the PSAC.

Honourary members shall not be required to pay dues to the PSAC and shall not be entitled to vote at meetings or to election to office in the PSAC, but shall be entitled to all other rights and privileges of membership in the PSAC.

*Sub-Section (6)*

The PSAC may extend recognition to honourary memberships, or memberships otherwise designated, granted by any other organization upon that organization becoming a part of the PSAC.

*Sub-Section (7)*

A Life Membership may be awarded to any member who, through personal and devoted efforts in the affairs of the PSAC, has performed exemplary services for the membership of the PSAC, provided, however, that there shall be no more such Life Memberships at any one time than the number thereof decided upon by the NBoD.

The awarding of Life Memberships shall be controlled and decided upon by the NBoD which shall establish regulations to govern the award thereof.

Life members shall not be required to pay union dues to the PSAC and shall not be entitled to vote at meetings or to election to office in the PSAC, unless otherwise eligible, but shall be entitled to all other rights and privileges of membership in the PSAC.

*Sub-Section (8)*

The NBoD shall consider for recognition on the same basis and with the same rights and privileges as provided for Life Memberships awarded by Sub-Section (7), Life Memberships, or memberships otherwise designated, which in the opinion of the NBoD are compatible to the Life Membership provided by Sub-Section (7) and which have been awarded by:

Canadian Agriculture National Employees Association;  
Canadian Air Services Association;  
Canadian Immigration Staff Association;  
Canadian Marine National Employees Association;  
Canadian Taxation Division Staff Association;  
Civil Service Federation of Canada;  
Customs and Excise Officers' Association;  
Federal Public Works Employees Association of Canada;  
Department of National Health and Welfare Employees' Association;  
Department of Veterans' Affairs Employees' Association;  
National Defense Employees' Association;  
National U.I.C. Association;  
Treasury Staff Association of Canada;  
Civil Service Association of Canada; and  
Department of Justice Employees' Association

It shall be competent for the NBoD to extend like recognition to Life Memberships, or to memberships otherwise designated, which in the opinion of the NBoD are compatible to the Life Memberships provided by Sub-Section (7) and which have been awarded by any other organization, upon that organization becoming a constituent part of the PSAC.

*Sub-Section (9)*

Employees of the PSAC who are non-members of the PSAC and non dues-paying members, except life members, of the PSAC who are on extended leave of absence, on lay-off or who have retired may be granted Associate Membership in the PSAC in accordance with regulations established by the NBoD, and further, Associate Members shall not be elected as representatives to any Convention of the PSAC.

*Sub-Section (10)*

Through application by a Component, former members who are temporarily subject to confidential exclusion may be granted Associate Membership in the PSAC in accordance with regulations established by the NBoD, and further, Associate Members shall not be elected as representatives to any Convention of the PSAC.

*Sub-Section (11)*

- (a) In accordance with Regulations established by the NBoD, the organization, operation and the payment of affiliation fees of a PSAC Retirees' Organization shall be encouraged by the PSAC.
- (b)
  - (i) Associate members of the PSAC who are retired and their spouses/partners, and former PSAC members and their spouses/partners shall have the right to join the PSAC Retirees' Organization; and,
  - (ii) Spouses/partners who join the PSAC Retirees' Organization shall be granted voice but no vote at meetings, conferences and conventions of the PSAC Retirees' Organization.

*Sub-Section (12)*

All members shall be issued with a membership card, approved by the NBoD, as evidence of their membership in the PSAC and their membership in a particular Component of the PSAC. The eligibility for membership in a particular Component is determined by Sub-Sections (2), (3), (4), (5) or (6) of Section 8.

*Sub-Section (13)*

Every individual member of the PSAC is deemed to agree to abide by and to be bound by the provisions of this Constitution and the applicable Component and Local By-Laws, upon applying for membership in the PSAC or continuing membership in the PSAC.

*Sub-Section (14)*

The receipt, either directly at the PSAC Centre or from the Component or DCL, of a signed PSAC Application for Membership Form, shall constitute evidence of membership for:

- (a) issuance of an identification card;
- (b) granting of all rights and privileges of membership as outlined by this Constitution;
- (c) representation to any Convention of that Component of the PSAC to which the individual member belongs; and
- (d) representation to any Convention of the PSAC.

## **SECTION 5**

### **MEMBERSHIP RIGHTS**

Every member in good standing as defined in Section 4, Sub-Section (2) is entitled:

- (a) to be represented by the union;
- (b) to be free from any act or omission on the part of the union, or other members, that would discriminate against the member on the basis of age, sex, colour, national or ethnic origin, race, religion, marital status, family status, criminal record, physical or mental disability, sexual orientation, gender identity, language, political belief, social and economic class or employer;
- (c) to be free from harassment by another member, both within the union and in the workplace, on the basis of any of the grounds mentioned in paragraph (b); and
- (d) subject to any qualifications stipulated elsewhere in this Constitution, or in Component, Local or Area Council By-Laws, to vote and/or to be nominated for and hold office in the Union.

## **SECTION 6**

### **FORM OF UNION**

- (a) The Union is the PSAC. Its jurisdiction, authority and rights are outlined in Section 7.
- (b) The PSAC shall be composed of all its members, Components and their Locals or Branches, DCLs and Regional Councils.
- (c) The jurisdiction, authority and rights of Components established in accordance with Section 8 are outlined in Section 9.
- (d) The jurisdiction, authority and rights of DCLs established in accordance with Section 10 are outlined in Section 11.

## **SECTION 7**

### **THE UNION, ITS JURISDICTION, AUTHORITY AND RIGHTS**

#### *Sub-Section (1)*

- (a) The "Union" is the PSAC. The supreme governing body of the PSAC is the National Triennial Convention as outlined in Section 17. The NBoD is the governing body of the PSAC under the terms of this Constitution, and shall be recognized as the governing body between National Triennial Conventions.

- (b) The NBoD shall consist of the National President, the NEVP, REVPs for the Atlantic, Québec except that part within the National Capital Region, Ontario except that part within the National Capital Region, National Capital Region, Prairies, British Columbia and North, as well as the President from each of the duly-established Components or their alternates.
- (c) The Alliance Executive Committee shall be composed of the National President, one National Executive Vice-President and seven Regional Executive Vice-Presidents, all nine of whom shall be elected in accordance with the provisions of Section 23.
- (d) The "PSAC Centre" shall consist of the Alliance Executive Committee and the staff coming under its jurisdiction.

*Sub-Section (2)*

The PSAC Centre shall be solely and exclusively responsible for:

- (a) carrying out all policies of the PSAC as established in National Triennial Conventions and by the NBoD;
- (b) collective bargaining for all bargaining units for which the PSAC has been certified as the Bargaining Agent;
- (c) the organization and operation of Area Councils;
- (d) the representation at all levels of the government on matters which are not the sole and exclusive responsibility of one Component;
- (e) the establishment, maintenance and control of all organizing work;
- (f) the resolution, through the appeal procedures of the Constitution, of all jurisdictional issues and disputes;
- (g) the employment, assignment, performance, salaries, conditions of employment and office accommodation of all paid staff of the PSAC Centre both at National Headquarters and in the field;
- (h) the preparation and processing of all business for PSAC Conventions, including a proposed budget and dues structure;
- (i) processing classification grievances involving members; upon reciprocal agreement, this function may be delegated to a Component;
- (j) communications, political action and public relations.

### *Sub-Section (3)*

- (a) The PSAC shall seek certification in the name of the PSAC on behalf of its members in a bargaining unit except where legislation requires that certification be obtained by a local or provincial union in which case certification will be governed by regulation enacted by the NBoD. In the event that it is so certified, it may delegate the negotiation of agreements to a Component on the request of that Component where all the members of a bargaining unit are within that Component. Where the Component does not receive such authority, the negotiating team shall be established under the provisions of paragraph (b) of this Sub-Section.
- (b)
  - (i) Where no Component represents all members in a bargaining unit, the AEC shall establish a PSAC Bargaining Committee for each bargaining unit in accordance with PSAC Regulation 15.
  - (ii) Where a Component represents all the members in a bargaining unit, the AEC shall establish for each bargaining unit, in accordance with Regulation 15, a PSAC Bargaining Committee composed of members from the bargaining unit from this Component plus a member of the AEC or a representative of the AEC.
- (c) Notwithstanding the provisions contained in Section 7, Sub-Section (3) (b) and (e), when a staff representative is appointed to represent the AEC on a Bargaining Committee or a Negotiating Team, the staff representative will not be entitled to vote.
- (d) Where subsidiary agreements can be negotiated, the AEC shall, at the request of the Component, delegate to the Component the authority to negotiate a subsidiary agreement. Where the Component does not request such authority, the Negotiating Team shall be established under the provisions of paragraph (b) of this Sub-Section. All agreements must be signed by an elected officer of the AEC.
- (e) There shall be at least one representative of the central bargaining agent on all bargaining teams and a representative of the central bargaining agent shall be a signatory of all agreements.
- (f) All bargaining committees and all Negotiating Teams shall be determined in keeping with paragraphs (a), (b), (d) and (e) above, subject to regulations established by the NBoD.

### *Sub-Section (4)*

The AEC may delegate the delivery of education to a Component on the request of a Component.

### *Sub-Section (5)*

- (a) The PSAC Centre shall be solely and exclusively responsible for processing grievances at the adjudication level. PSAC decisions not to pursue a grievance at adjudication may be appealed pursuant to an appeal process as outlined in a Regulation enacted by the NBoD.
- (b) Notwithstanding Sub-Section (5) (a) of this Section, the PSAC may delegate responsibility to process a grievance at adjudication in the event that:
- the PSAC has decided not to pursue the grievance at adjudication;
  - the adjudication process will not prejudice other PSAC members; and
  - the Component is prepared to provide the representation at its cost.
- (c) Notwithstanding Section 9, Sub-Section (5) (a), the PSAC may delegate the processing of grievances at adjudication to a Component on the request of a Component.

### *Sub-Section (6)*

A majority decision by the National Triennial Convention of the PSAC shall be required for membership or affiliation by the PSAC in any organization or body having similar aims, objects and functions as the PSAC.

## **SECTION 8**

### **COMPONENTS**

#### *Sub-Section (1)*

"Component" means an organized group of members, Locals or Branches established as such in accordance with Sub-Sections (2), (3), (4), (5) and (6) of this Section, and deriving its jurisdiction, authority and rights from Section 9 of this Constitution.

#### *Sub-Section (2)*

The following is the list of Components which shall be recognized by the issuance of a charter as being established:

Agriculture Union  
Canada Employment and Immigration Union  
Customs and Immigration Union  
Government Services Union  
National Component  
National Health Union  
Natural Resources Union  
Nunavut Employees Union

Union of Canadian Transportation Employees  
Union of Environment Workers  
Union of National Defense Employees  
Union of Northern Workers  
Union of Postal Communications Employees  
Union of Solicitor General Employees  
Union of Taxation Employees  
Union of Veterans' Affairs Employees  
Yukon Employees Union

According to this Constitution, the above list of Components may be amended to add new Components established or to delete Components that cease to exist.

*Sub-Section (3)*

- (a) The members of the Components listed in Sub-Section (2) of this Section may continue to enjoy the right of membership in their respective Components regardless of whatever employer reorganization takes place.
- (b) In cases where one or more Components decide to merge or request the PSAC Centre to allocate all or part of its membership to some other Component now in existence or to be established, the PSAC Centre may agree to do so. In the event that the PSAC Centre does not agree, the NBoD, by a two-thirds (2/3) majority vote, shall order a referendum of affected members. The NBoD shall be bound by the wishes of the majority of members voting in such a referendum. The AEC shall allocate affected members based on the results of the referendum vote.
- (c) A Separate Employer Bargaining Unit within one Component may request the PSAC Centre to allocate jurisdiction of all or part of its membership to some other Component now in existence or to be established. The NBoD, by a two-thirds (2/3) majority vote, shall order a referendum of affected members. The NBoD shall be bound by the wishes of the majority of members voting in such a referendum. The AEC shall allocate affected members based on the results of the referendum vote.

*Sub-Section (4)*

When a member or members cannot become members of a Component as provided by either Sub-Section (2) or (3), the AEC shall be responsible for making recommendations to the NBoD on the placement of such members, and providing full membership services to the members, until they are placed in the appropriate Component. The AEC shall allocate affected members based on the NBoD decision.

*Sub-Section (5)*

- (a) A new Component shall consist of no less than 2,500 members.

- (b) Notwithstanding Sub-Sections (5)(a) and (12)(a) of this Section, the NBoD may, by a two-thirds (2/3) majority vote, determine that a new Component consisting of less than 2,500 members is viable, and can be established in accordance with Sub-Section (5) (c).
- (c) Such a Component shall be established only on the provision that, in the opinion of the AEC, it is capable of discharging effectively the duties and responsibilities of a Component set forth in Sub-Section (5) of Section 9 of this Constitution and on the basis of standards established by the NBoD as set forth in the Regulations. Upon receipt of this assurance from the AEC, the NBoD, by a two-thirds (2/3) majority vote, shall authorize the granting of a charter to the newly-established Component.

*Sub-Section (6)*

A Component which, in the opinion of the NBoD of the PSAC, is not discharging its responsibilities as set forth in Section 9, Sub-Section (5) may, by a two-thirds (2/3) majority vote at a meeting of the NBoD, have its charter suspended and its members assigned to the appropriate Component pursuant to Sub-Section (4) of Section 8 of this Constitution. In such case, the decision of the NBoD may be appealed to the next succeeding Convention of the PSAC.

*Sub-Section (7)*

- (a) Notwithstanding Sub-Sections (3), (4) and (5) of this Section, the AEC may establish DCLs in accordance with Section 10 of this Constitution.
- (b) Notwithstanding Sub-Sections (3), (4) and (5) of this Section, the NBoD may charter as Components, other bodies of workers.

*Sub-Section (8)*

A Component shall be governed by the mandate of its Convention provided always that the mandate is within the exclusive jurisdiction of the Component and does not contravene the jurisdiction of the PSAC as provided by Section 7.

*Sub-Section (9)*

A Component shall hold conventions as determined by its own By-Laws provided one convention is held prior to a regular National Triennial Convention of the PSAC as provided in Section 17.

*Sub-Section (10)*

Any convention of a Component shall be composed of its elected officers and the delegates representing its subsidiary divisions as provided by its own By-Laws.

### *Sub-Section (11)*

Remuneration of the elected officers and delegates, including any necessary expenses to any Component Convention, shall be the responsibility of that Component.

### *Sub-Section (12)*

- (a) If the total membership of a Component falls significantly below 1,500, the matter shall be referred to the NBoD for its decision as provided for in paragraph (b) of this Sub-Section.
- (b) The NBoD of the PSAC, at a meeting of the NBoD, shall decide, by a two-thirds (2/3) majority vote, whether it is in the best interest of the PSAC for the members to remain in a separate Component or to be assigned to the appropriate Component pursuant to Sub-Section (4) of this Section. The disposition of the assets of a Component being assigned to another Component, established in accordance with Sub-Section (4), will be governed by regulation. The decision of the NBoD may be appealed to the next National Triennial Convention.

### *Sub-Section (13)*

Should any decision of the NBoD have the effect of eliminating or substantially reducing the size of any Component, all surplus full-time elected officers and/or employees shall be given priority in appointment with the PSAC provided those concerned have had two (2) or more years of service.

## **SECTION 9**

### **COMPONENTS, THEIR JURISDICTION, AUTHORITY AND RIGHTS**

#### *Sub-Section (1)*

A Component shall establish By-Laws and policies for its operation and such By-Laws and policies shall be fully consistent with the Constitution of the PSAC and shall in no way contravene its provisions.

#### *Sub-Section (2)*

A duly-established Component shall have jurisdiction over its members who shall be subject to the terms and conditions of the By-Laws of the Component, save only that a member who has exhausted all means for the resolution of a problem through his/her Component shall have the right to request a full review of the matter by the PSAC Centre. In such cases the PSAC Centre shall consult with the Component concerned.

#### *Sub-Section (3)*

A Component shall have the right to hold conventions or meetings as outlined in its own By-Laws and shall be solely responsible for all costs involved in such conventions and meetings.

*Sub-Section (4)*

- (a) A Component shall have the right to elect its own officers in accordance with procedures outlined in its By-Laws.
- (b) A Component shall have the right to elect delegates and alternates to National Triennial Conventions of the PSAC, in accordance with procedures outlined in its By-Laws, providing that such election takes place and is fully completed six (6) months prior to the commencement of the National Triennial Convention of the PSAC. Only dues-paying members in good standing as defined in Section 4, Sub-Section (2) (a), (b), (c), (d), (e), (f) and (g) or Life Members who are otherwise eligible, shall be eligible for election as delegates.
- (c) The National President of the PSAC or his/her nominee shall have the right to attend all Component Conventions and to speak when requested.

*Sub-Section (5)*

A Component shall:

- (a) process appeals and grievances involving its members, up to, but not including, grievances at the adjudication level. The Component functions may be delegated to the PSAC Centre from time to time by any Component requesting assistance or service;
- (b) assume responsibility for the enforcement of collective agreements signed by the PSAC covering employees within the jurisdiction of the Component;
- (c) represent its members on matters such as classification and working conditions, not already covered in collective agreements, and all other matters which are solely of concern to them;
- (d) provide the liaison between its members and the PSAC Centre;
- (e) select and appoint staff within the limitations of the Constitution of the PSAC;
- (f) elect its own officers; and
- (g) hold its own conventions.

*Sub-Section (6)*

The internal operations of a Component shall be the primary concern and responsibility of that Component and its members subject only to Sub-Section (2) of this Section.

*Sub-Section (7)*

Each Component and its officers shall be subject to the disciplinary provisions of Section 25 of this Constitution.

*Sub-Section (8)*

Each Component will provide annually to the National President of the PSAC a detailed audited statement of receipts and expenditures certified by qualified accountants.

*Sub-Section (9)*

A Component will be restricted in its operations to matters which solely affect its own membership within its defined area of jurisdiction as provided by Sub-Sections (2) and (3) of Section 8.

Such authority may be maintained pending amendment by the NBoD. A transfer of members where necessary shall not be unduly deferred and, in any event, no later than the next following NBoD meeting.

*Sub-Section (10)*

Notwithstanding Section 7, Sub-Section (2) (j), a Component may engage in communications, political action and public relations on matters of concern to the members assigned to it, provided that its communications, political action and public relations are not detrimental to other parts of the PSAC.

*Sub-Section (11)*

Components shall have the right to any service or services provided by the PSAC Centre under the terms of this Constitution, subject to Regulations established by the NBoD.

*Sub-Section (12)*

A Component shall, through democratic process, establish the total amount of dues to be paid by members assigned to it. Such total amount of dues shall include that portion levied by the PSAC in the manner provided by Section 24 of this Constitution.

*Sub-Section (13)*

A Component may adopt resolutions for consideration at a regular Triennial National Triennial Convention of the PSAC in accordance with procedures outlined in its By-Laws, providing that such resolutions are adopted at least six (6) months prior to the National Triennial Convention of the PSAC.

## **SECTION 10**

### **DIRECTLY CHARTERED LOCALS (DCLs)**

#### *Sub-Section (1)*

- (a) DCL means an organized group of members established by the AEC in accordance with this Constitution and deriving its jurisdiction, authority and rights from Section 11 of this Constitution.
- (b) Notwithstanding Sub-Section (1) (a), a DCL shall not be established for an organized group of members employed by Treasury Board or the Territorial Governments, or for a nationally-certified bargaining unit.
- (c) Where an existing Local has been assigned to an established Component, the Local may only become a DCL providing the Local submits a petition to the AEC and a majority of the membership vote, in a referendum, to establish a DCL.
- (d) Notwithstanding Sub-Section (1) (a) and (b) of this Section, a DCL may be established for an organized group of members employed by Treasury Board, if the bargaining unit joins the PSAC after April 22, 1994.
- (e) A DCL may request the PSAC Centre to allocate jurisdiction of all or part of its membership to some other DCL or Component now in existence or to be established.
- (f) DCLs will report to the NBoD through the REVP.

#### *Sub-Section (2)*

A DCL which, in the opinion of the NBoD of the PSAC, is not discharging its responsibilities as set forth in Section 11 Sub-Section (5) may, by a two-thirds (2/3) majority vote at a meeting of the NBoD, have its charter suspended and its members assigned to the appropriate DCL or Component pursuant to Sub-Section (4) of Section 8 of this Constitution. In such case, the decision of the NBoD may be appealed to the next succeeding Convention of the PSAC.

## **SECTION 11**

### **DIRECTLY CHARTERED LOCALS, THEIR JURISDICTION, AUTHORITY AND RIGHTS**

#### *Sub-Section (1)*

A DCL shall establish By-Laws and policies for its operation and such By-Laws and policies shall be fully consistent with the Constitution of the PSAC and shall in no way contravene its provisions.

### *Sub-Section (2)*

A duly-established DCL shall have jurisdiction over its members who shall be subject to the terms and conditions of the By-Laws of the DCL, save only that a member who has exhausted all means for the resolution of a problem through his/her DCL shall have the right to request a full review of the matter by the PSAC Centre. In such cases, the PSAC Centre shall consult with the DCL concerned.

### *Sub-Section (3)*

A DCL shall have the right to hold meetings as outlined in its own By-Laws and shall be solely responsible for all costs involved in such meetings.

### *Sub-Section (4)*

- (a) A DCL shall have the right to elect its own officers and to elect at a general meeting, held within a period of not more than twelve (12) months and not less than six (6) months prior to the commencement of the regular National Triennial Convention of the PSAC, delegates and alternates to the forthcoming National Triennial Convention of the PSAC. Only dues-paying members, or life members who are otherwise eligible, shall be eligible for election as delegates.
- (b) At a general meeting held at least six (6) months prior to the regular National Triennial Convention of the PSAC, a DCL shall have the right to adopt resolutions for consideration by delegates to the forthcoming National Triennial Convention of the PSAC.
- (c) The National President of the PSAC or his/her nominee shall have the right to attend the Annual General Meeting of all DCLs and to speak when requested.

### *Sub-Section (5)*

A DCL shall:

- (a) process appeals and grievances involving its members up to, but not including, grievances at the adjudication level. The DCL functions may be delegated to the PSAC Centre from time to time by any DCL requesting assistance or service;
- (b) be delegated authority from the PSAC Centre and assume responsibility, at the Local level, for collective agreements signed by the PSAC covering employees in the Local within the jurisdiction of the DCL;
- (c) represent its members on matters such as classification and working conditions, not already covered in collective agreements, and all other matters which are solely of concern to the DCL members;
- (d) provide the liaison between its members and the PSAC Centre;

- (e) select and appoint staff within the limitations of the Constitution of the PSAC;
- (f) elect its own officers; and
- (g) hold its own meetings.

*Sub-Section (6)*

The internal operations of a DCL shall be the primary concern and responsibility of that DCL and its members subject only to Sub-Section (2) of this Section.

*Sub-Section (7)*

Each DCL and its officers shall be subject to the disciplinary provisions of Section 25 of this Constitution.

*Sub-Section (8)*

- (a) Each DCL will provide the National President of the PSAC with (i) an annual detailed statement of receipts and expenditures, and (ii) a balance sheet showing Assets, Liabilities and Equities by March 31<sup>st</sup> of each year. These statements must be reviewed by a PSAC member or other person who is not on the DCL Executive who, along with the Local President or Treasurer, will certify their completeness and accuracy.
- (b) Notwithstanding (a) above, the PSAC National President can, at any time, require a DCL to provide a detailed audited statement of receipts and expenditures certified by qualified accountants.

*Sub-Section (9)*

A DCL will be restricted in its operations to matters which solely affect its own membership within its defined area of jurisdiction.

*Sub-Section (10)*

Notwithstanding Section 7, Sub-Section (2) (j), a DCL may engage in communications, political action and public relations on matters of concern to the members assigned to it, provided that its communications, political action and public relations are not detrimental to other parts of the PSAC.

*Sub-Section (11)*

DCLs shall have the right to any service or services provided by the PSAC Centre under the terms of the Constitution, subject to regulations established by the NBoD.

### *Sub-Section (12)*

A DCL shall, through democratic process, establish the total amount of dues to be paid by members assigned to it. Such total amount of dues shall include that portion levied by the PSAC in the manner provided by Section 24 of the Constitution.

## **SECTION 12**

### **NATIONAL BOARD OF DIRECTORS (NBoD)**

#### *Sub-Section (1)*

The NBoD shall consist of the National President, one National Executive Vice-President, the seven (7) Regional Executive Vice-Presidents, as well as the President from each of the duly-established Components or their alternates.

All members of the NBoD and their alternates shall be members in good standing of the PSAC.

#### *Sub-Section (2)*

The NBoD shall be responsible for the affairs of the PSAC between the National Triennial Conventions. All residual power, authority and rights not specifically established by this Constitution in either the PSAC Centre or the Components shall reside in the NBoD subject to ratification by the Convention. The NBoD shall meet at least three (3) times a year, normally every four (4) months, but, in no event, shall it exceed five (5) months and may be called earlier by the National President if necessary, or upon written request of a majority of the NBoD.

#### *Sub-Section (3)*

When a vacancy occurs on the NBoD from among the National President, the NEVP, the seven (7) REVPs or their alternates, it shall be filled in accordance with the provisions of Sub-Section (11) of Section 23 of this Constitution.

#### *Sub-Section (4)*

Without limiting the generality of Sub-Section (3), the NBoD shall be charged with the responsibility for:

- (a) carrying out the policies of the PSAC as established at National Triennial Convention, and ensuring that the provisions of this Constitution are strictly observed by the PSAC Centre and the Components;
- (b) the establishment of policies on matters related to collective bargaining, such as Bargaining Committees, Negotiating Teams and ratification of agreements;
- (c) ensuring that the PSAC is represented in all matters affecting the membership generally;

- (d) acquiring the offices and facilities necessary to conduct the affairs of the PSAC;
- (e) the employment, salaries and other conditions of employment of organizers and other full-time or part-time staff of the PSAC Centre;
- (f) fixing the conditions of employment, excluding salaries, of the full-time elected officers and the full-time appointed officers of the PSAC Centre;
- (g) ensuring the provision of a publication or publications designed to keep members informed on the activities of the PSAC;
- (h) considering and preparing all business to be brought before the National Triennial Convention and all arrangements in connection with the National Triennial Convention, including the submission of a budget with a proposed dues structure to the National Triennial Convention for the ensuing three (3) years and a recommendation respecting the date and location of the following National Triennial Convention;
- (i) adopting regulations pertaining to financial, organizational and operational matters.

*Sub-Section (5)*

Notwithstanding (f) of Sub-Section (5) of this Section, the NBoD may set salaries for full-time appointed officers subject to the budgetary limitations set by and in the absence of direction by the National Triennial Convention.

*Sub-Section (6)*

The NBoD may delegate any or all of the authority conferred in Sub-Sections (3) and (5) of this Section to the AEC.

*Sub-Section (7)*

- (a) At meetings of the NBoD, each member of the NBoD shall be entitled to one vote only;
- (b) Nevertheless, under circumstances described below, each member of the NBoD shall be entitled to cast votes equal to the total number of delegates to which that member's Component, DCLs or Area Councils would be entitled at a Convention of the PSAC, based on the most up-to-date available records of the PSAC. The NEVP and the seven (7) REVPs shall be entitled to cast one vote each, representing the eight (8) equity group delegates elected to PSAC National Triennial Conventions. The specific circumstances are:

- (i) whenever in the opinion of the Chairperson, the NBoD is about to modify existing policy established by a National Triennial Convention, or is about to set new policy; or
  - (ii) whenever in the opinion of the NBoD, it is about to modify existing policy established by a National Convention, or is about to set new policy; or
  - (iii) at the request of any member of the NBoD, if, in the opinion of the Chairperson, the conditions stated above exist.
- (c) Only members in good standing shall be entitled to vote at the NBoD meetings.

## **SECTION 13**

### **ALLIANCE EXECUTIVE COMMITTEE (AEC)**

#### *Sub-Section (1)*

- (a) The National President shall function as the Chief Executive Officer of the PSAC and shall exercise supervision over the affairs of the PSAC, sign all official documents and preside at regular and special conventions. The National President shall preside at all meetings of the NBoD and AEC, and be accorded all the rights and privileges of presiding officers of deliberative bodies. Subject to Sub-Section (2), the National President shall assign duties to the NEVP and REVPs.
- (b) The National President shall have the authority to interpret this Constitution and the interpretation shall be conclusive and in full force and effect unless reversed by the NBoD or a National Triennial Convention. Any interpretation given at a meeting of the NBoD or at a National Triennial Convention of the PSAC whether conclusive and in full force and effect, or reversed, shall be reported in an Appendix to the appropriate minutes of the proceedings.
- (c) The National President shall provide a report on his/her activities, the administration of his/her office and on the affairs of the PSAC to each regular meeting of the NBoD and to each National Triennial Convention.
- (d) The NEVP and the seven (7) REVPs shall provide a detailed written report, on their portfolio and activities to each regular meeting of the NBoD.
- (e) The NEVP shall act in the office of the National President in the event of the incapacity or the unavailability of the National President.

#### *Sub-Section (2)*

- (a) The AEC shall be composed of the National President, the NEVP, seven (7) REVPs, all nine (9) of whom shall be elected in accordance with the provisions of Section 23.

- (b) The National President shall, in consultation with other members of the AEC, assign duties.

*Sub-Section (3)*

- (a) A majority of the members of the AEC shall constitute a quorum.
- (b) In a case of a tie vote, the Chairperson will be entitled to a second vote to cast the deciding vote.

*Sub-Section (4)*

- (a) Notwithstanding any other Section of this Constitution, the AEC may delegate any or all of its authority as it relates to the various regions, to the applicable REVP.
- (b) The authority outlined in Section 13, Sub-Section (4) (a) shall include, but not be limited to, the following duties and responsibilities:
- be the political voice for the PSAC in their region;
  - act as the liaison officer between the PSAC and the Canadian Labour Congress Federations of Labour;
  - be the political voice of the PSAC on the applicable Federation of Labour;
  - chair meetings of the Council and other regionally-determined bodies where appropriate;
  - administer PSAC Centre services, and implement PSAC programs in their region by developing and adopting, at the AEC, budget projections and breakdowns for each fiscal year, and forwarding the appropriate funds to each region.
  - administer and manage the regional education budget;
  - participate on the AEC with voice and vote; and
  - perform any other duties assigned by the National President.

## **SECTION 14**

### **AREA COUNCILS**

*Sub-Section (1)*

The organization and operation of Area Councils shall be encouraged by the PSAC as a matter of policy, provided that not more than one Area Council may be organized in any area that can be reasonably encompassed by one Area Council.

*Sub-Section (2)*

Area Councils of the PSAC may be organized where at least three (3) Components and/or DCLs make application to the AEC. Approval of such application will lie with the AEC.

*Sub-Section (3)*

Area Council meetings shall be open to all members of the affiliated Locals or Branches of Components, DCLs, Regional Women's Committees, and constitutionally-recognized regional committees within the area of jurisdiction who shall have full voice on all discussions at Area Council meetings. Each affiliated Local or Branch of a Component and each DCL shall be entitled to two (2) delegates for the first 500 members and one additional delegate for each additional 500 members or part thereof. Each affiliated Regional Women's Committees and other constitutionally-recognized regional committee shall be entitled to one (1) delegate. Voting rights at Area Council meetings shall be vested in the elected delegates from the affiliated Locals or Branches of Components, DCLs, Regional Women's Committees and constitutionally-recognized regional committees and the elected officers of the Area Council.

*Sub-Section (4)*

Area Councils shall be governed under the provisions of By-Laws drawn up and agreed upon by the Area Council. Such By-Laws shall conform to the provisions and principles of the Constitution of the PSAC.

*Sub-Section (5)*

Area Councils are designed to serve as liaison for Locals or Branches of Components, DCLs, Regional Women's Committees and constitutionally-recognized regional committees. The role of Area Councils shall consist of such activities as community, social and recreational affairs within the communities in which the Area Councils function; promotion and coordination of PSAC campaigns assigned to them by the NBoD or the AEC, such as political action; promotion of Federations of Labour and District Labour Councils; dissemination of information as well as workshop and seminar-type education in matters directly relating to the functions of Area Councils.

*Sub-Section (6)*

In accordance with Sub-Section (5), Area Councils may organize occupational groups for the discussion of policies affecting such groups. Decisions reached by these groups shall be communicated by the participants to their own Local or Branch for reference to the respective Component headquarters, as well as to DCLs, Regional Women's Committees and constitutionally-recognized regional committees.

*Sub-Section (7)*

Each Area Council and its officers shall be subject to the disciplinary provisions of Section 25 of this Constitution.

*Sub-Section (8)*

No Area Council shall use the name of the PSAC without first obtaining written consent from the AEC.

*Sub-Section (9)*

No Area Council shall enter into a contract or commitment in the name of the PSAC without first obtaining written consent from the AEC.

*Sub-Section (10)*

Each Area Council may charge such fees as it deems necessary for the operation of the Area Council, to each participating Component Local or Branch, DCL, Regional Women's Committees and constitutionally-recognized regional committee.

*Sub-Section (11)*

The channel of communication for Area Councils to the PSAC shall be through the designated REVP, except on those matters subject to the provisions of Sub-Section (6).

*Sub-Section (12)*

- (a) Area Council meetings shall be held at least four (4) times a year. One such meeting shall be known as the annual meeting at which time officers shall be elected and financial and other reports presented.
- (b) Area Council delegates shall have the right to elect at an annual meeting, held within a period of not more than twelve (12) months and not less than six (6) months prior to the commencement of the regular National Triennial Conventions of the PSAC, a delegate to the forthcoming PSAC Convention.

*Sub-Section (13)*

- (a) Area Councils shall forward to the designated REVP of the PSAC, minutes of all meetings no later than thirty (30) days following the date on which each meeting is held.
- (b) Area Council resolutions to National Triennial Conventions must be submitted to the NBoD six (6) months prior to the Convention.

## SECTION 15

### REGIONAL COMMITTEES

#### *Sub-Section (1)*

The organization and operation of Regional Women's, Aboriginal Peoples, Racially Visible Persons, Pride (Gay, Lesbian, Bisexual and Transgendered Persons) and Access (Persons with Disabilities) Committees should be encouraged by the PSAC as a matter of policy, provided that not more than one Regional Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Committee may be organized in any area that can be reasonably encompassed by one Regional Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Committees.

#### *Sub-Section (2)*

- (a) Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Committees of the PSAC may be organized where there are at least three (3) Components and/or DCLs willing to participate and upon application to the AEC.
- (b) Notwithstanding Sub-Section (2) (a), the AEC may approve the organization of Regional Aboriginal Peoples, Racially Visible Persons, Pride and Access Committees where less than three (3) Components and/or DCLs are willing to participate when it is satisfied that the Committee can be viable.
- (c) Notwithstanding Sub-Section (2) (a) and (b), Regional Human Rights' Committees consisting of members of the Aboriginal Peoples, Racially Visible Persons, Pride and Access Equity Groups may be organized where there are at least three (3) Components and/or DCLs willing to participate, and upon application to the AEC.
- (d) Notwithstanding Sub-Section (2) (a), (b) and (c), the AEC may approve, in exceptional cases, the organization of Regional Aboriginal Peoples, Racially Visible Persons, Pride and Access Committees jointly as a Human Rights Committee when it is satisfied that the members are willing to participate and the Committee can be viable.

#### *Sub-Section (3)*

Regional Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Committees or Regional Human Rights Committees shall consist of representatives who should come from each Component with members in the jurisdiction of the Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Committees.

*Sub-Section (4)*

Regional Human Rights Committees or Regional Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Committee meetings shall be held at least four (4) times a year. One such meeting shall occur prior to the PSAC National Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Conferences.

*Sub-Section (5)*

Regional Human Rights Committees or Regional Women's, Aboriginal Peoples, Racially Visible Persons, Pride and Access Committees shall be fully funded by the PSAC.

## **SECTION 16**

### **COUNCILS AND REGIONAL TRIENNIAL CONVENTIONS**

*Sub-Section (1)*

Each region shall establish a Council. The organization and operation of the:

- Atlantic;
- Quebec;
- Ontario;
- Prairies;
- British Columbia;
- North;
- National Capital Region

Council shall be governed under the provisions of By-Laws they have drawn up and agreed upon.

Such By-Laws shall not conflict with the provisions and principles of the Constitution of the PSAC.

*Sub-Section (2)*

(a) The

- Atlantic;
- Quebec;
- Ontario;
- Prairies;
- British Columbia;
- North;

➤ National Capital Region

Council may charge such fees as it deems necessary for its operation, to each participating Component Local or Branch and DCLs.

- (b) Each Regional Council will provide the National President of the PSAC with (i) an annual detailed statement of receipts and expenditures, and (ii) a balance sheet showing Assets, Liabilities and Equities by March 31<sup>st</sup> of each year. These statements must be reviewed by a PSAC member or other person who is not on the Regional Council Executive who, along with the Regional Executive Vice-President, will certify their completeness.
- (c) Notwithstanding (b) above, the PSAC National President can, at any time, require a Regional Council to provide a detailed audited statement of receipts and expenditures certified by qualified accountants.

*Sub-Section (3)*

All Locals, Sub-Locals or Branches having members working or residing in more than one PSAC regional jurisdiction may affiliate those members in a particular PSAC region to the Regional Council for that region. A member may only participate in one PSAC Regional Council.

*Sub-Section (4)*

Regional Triennial Conventions:

- (a) will elect a REVP and an Alternate REVP in accordance with Section 18 of this Constitution and the applicable Regional By-Laws;
- (b) may adopt resolutions for consideration at National Triennial Conventions of the PSAC in accordance with procedures outlined in its Regional By-Laws;
- (c) will take place within the period commencing 14 months and ending nine (9) months prior to the PSAC National Triennial Convention.

## **SECTION 17**

### **NATIONAL TRIENNIAL CONVENTIONS**

*Sub-Section (1)*

The PSAC shall hold a National Convention every three (3) years, known as the National Triennial Convention.

*Sub-Section (2)*

The National Triennial Convention shall be the supreme governing body of the PSAC.

*Sub-Section (3)*

The NBoD shall issue a call to Convention to all Components, Area Councils and DCLs not less than six (6) months prior to the date of the National Triennial Convention. Such Convention call shall include final date for receipt of resolutions from Components, Area Councils and DCLs.

*Sub-Section (4)*

The National Triennial Convention shall commence on the date specified in the Convention Call and shall be for the duration specified, subject to any modification by the National Triennial Convention.

*Sub-Section (5)*

The National Triennial Convention shall be held within the period of April 1<sup>st</sup> to June 30<sup>th</sup>.

*Sub-Section (6)*

The National Triennial Convention shall:

- (a) adopt rules of procedure governing the processing of all matters before the National Triennial Convention;
- (b) deal with all resolutions and matters submitted to it by: the NBoD; Components, in accordance with Section 9, Sub-Section (13); Regional Convention/Councils in accordance with Section 16, Sub-Section (4); and, DCLs in accordance with Section 11, Sub-Section (4) (b) except that this would not normally include collective bargaining demands;
- (c) deal with all specific matters assigned to it by this Constitution;
- (d) establish the general policies of the PSAC;
- (e) elect officers of the PSAC as outlined in Sections 18 and 23 of this Constitution;
- (f) ratify all appointments to Committees of the National Triennial Convention made by the NBoD or the AEC;
- (g) establish the budgetary provisions of the ensuing period including the dues to be paid by each member other than those dues established by a:
  - i) Component Convention or by subordinate bodies of a Component; or
  - ii) DCL

- (h) review all reports submitted to it by officers and subordinate bodies;
- (i) review the report of the National Triennial Women's, Aboriginal Peoples, Racially Visible Persons, Pride, Access and Health and Safety Conferences and vote on recommendations adopted at the Conferences;
- (j) act upon any other items of business placed before it by the duly elected delegates in the manner prescribed by the procedural rules adopted by the Convention for the orderly processing of its business.

*Sub-Section (7)*

All matters and resolutions not dealt with by the Convention shall be referred to the NBoD who will consider and act upon such unfinished business before the conclusion of the second regular meeting of the NBoD following the Convention. Decisions on the disposition of all Convention matters and resolutions by the NBoD shall be published and distributed to all Convention delegates, and shall include reasons and recorded votes.

*Sub-Section (8)*

National Triennial Conventions shall be chaired by the National President or in his/her absence or on his/her delegation by a pro-tem chairperson selected by the Convention.

*Sub-Section (9)*

Special National Conventions shall be called on the written request of two-thirds (2/3) of the members of the NBoD or on the written request of the Executive bodies of two-thirds (2/3) of the duly-established Components as described in Section 8.

*Sub-Section (10)*

A Special National Convention shall deal only with the matters for which it is called unless, by a two-thirds (2/3) vote of its delegates, it agrees to consider other matters of an urgent or necessary nature within the time limits set for the Special Convention.

## **SECTION 18**

### **ELIGIBILITY OF NOMINEES FOR OFFICE**

*Sub-Section (1)*

All nominees for elected office shall be members in good standing of the PSAC.

*Sub-Section (2)*

- (a) A nominee for office as a REVP or an alternate shall reside in the area to be represented.
- (b) Notwithstanding Sub-Section 2 (a) of this Section, a member of the NBoD shall be entitled to seek the nomination for the office of REVP if he/she resided in the region immediately prior to his/her election to a position on the NBoD.

*Sub-Section (3)*

- (a) Nominees for the National President and the NEVP shall be prepared to live in the greater Ottawa/Gatineau area, if elected.
- (b) Nominees for the:
  - Atlantic;
  - Quebec;
  - Ontario;
  - Prairies;
  - British Columbia;
  - North;
  - National Capital Region

REVP positions shall be prepared to live in a location as determined by the AEC. When making its determination, the AEC shall take into consideration the needs of the membership, membership population and administrative criteria.

- (c) Nominees for all full-time officers of the AEC shall be prepared to live in the greater Ottawa/Gatineau area or the regional location as determined by the AEC if elected; and be governed by the PSAC election expenditures Regulation enacted by the NBoD.

*Sub-Section (4)*

An Alternate NEVP shall be prepared to live in the greater Ottawa/Gatineau area if he/she ascends to the position of the NEVP.

*Sub-Section (5)*

An elected member of any Component National Executive shall not hold any other elected national office in the PSAC, except Alternate to a REVP or the Alternate NEVP.

*Sub-Section (6)*

Members elected to the position of REVP shall not hold Local or Branch Executive Officer positions other than Steward.

## SECTION 19

### REPRESENTATION AND VOTING AT THE PSAC NATIONAL TRIENNIAL CONVENTION

#### *Sub-Section (1)*

For purposes of representation at any National Triennial Convention of the PSAC, each Component shall be entitled to elect delegates on the following basis:

- One delegate for the first 100-400 members; and
- One additional delegate for each additional 400 members or major fraction thereof; and
- Dues-paying members who are recognized by the terms of their collective agreement.

#### *Sub-Section (2)*

(a) For the purposes of representation at any National Triennial Convention of the PSAC, a DCL shall be entitled to elect delegates on the following basis:

- One delegate for the first 100-400 members, defined here to include those who are recognized as members by the terms of their collective agreement; and
- One additional delegate for each additional 400 members or major fraction thereof, defined here to include those who are recognized as members by the terms of their collective agreement.

(b) (i) For the purposes of representation at any National Triennial Convention of the PSAC, DCLs of a region under the jurisdiction of a REVP who are not entitled to elect delegates pursuant to Section 19, Sub-Section (2) (a), shall be entitled to elect delegates on the following basis:

- One delegate for the first 100-400 members from DCLs of a region as defined above; and
- One additional delegate for each additional 400 members or major fraction thereof.

(ii) Procedures governing the election of delegates under Sub-Section (2) (b) (i) will be developed by the AEC.

*Sub-Section (3)*

Delegate entitlement under Section 19 shall be determined in accordance with Section 4, Sub-Section (14) in the 12 months prior to the date of the Convention Call.

*Sub-Section (4)*

All accredited delegates as elected by Components and DCLs shall have full voice and voting rights.

*Sub-Section (5)*

- (a) Each member of the NBoD or their alternate shall be entitled to attend a National Triennial Convention of the PSAC and shall be accorded all rights and privileges of accredited delegates.
- (b) Each member of the NBoD, and each full-time Component Vice-President who is required to relocate to the National Capital Region shall, within thirty (30) days of his/her election, notify the PSAC Director of the Finance and Administration Branch of his/her intention to either:
  - i) participate in the caucus at Convention from the geographic area where he/she resided immediately prior to his/her election to the NBoD or Component Vice-President; or
  - ii) participate in the National Capital Region Caucus.

*Sub-Section (6)*

Each Area Council shall be entitled to elect and send to any National Triennial Convention of the PSAC one delegate who shall be accorded all rights and privileges of accredited delegates.

*Sub-Section (7)*

The Aboriginal Peoples, Racially Visible Persons, Pride and Access equity groups shall each be entitled to send two (2) delegates to any National Triennial Convention of the PSAC who shall be accorded all rights and privileges of accredited delegates. These delegates shall be elected at their respective PSAC National Triennial Conference.

## **SECTION 20**

### **APPOINTED OFFICERS**

#### *Sub-Section (1)*

The Directors of Branches shall be appointed by the members of the AEC and ratified by the NBoD.

#### *Sub-Section (2)*

The salaries of the Directors of Branches shall be determined by the members of the AEC within such limitations as may be imposed by the National Triennial Convention or by the NBoD.

#### *Sub-Section (3)*

The duties of the Directors of Branches shall be prescribed by the AEC and shall be carried out under the general direction of an AEC Officer.

#### *Sub-Section (4)*

The Directors of Branches shall be prepared to reside in the greater Ottawa/Gatineau area, if appointed.

## **SECTION 21**

### **STAFF**

Staff, as required, will be appointed by the AEC, subject to any limitations that may be imposed by the National Triennial Convention or by the NBoD.

## **SECTION 22**

### **TERMS AND CONDITIONS OF EMPLOYMENT**

#### *Sub-Section (1)*

- (a) The salaries for full-time elected officers shall be established by the National Triennial Convention.
- (b) Terms and conditions of employment for full-time elected officers shall be governed by this Constitution and by Regulations adopted by the NBoD.

*Sub-Section (2)*

Terms and conditions of employment, including salaries, for excluded staff shall be governed by Regulations adopted by the NBoD.

*Sub-Section (3)*

Terms and conditions of employment, including salaries, of other staff shall be established by the AEC or as negotiated with the recognized bargaining agents.

## **SECTION 23**

### **NOMINATION AND ELECTION OF OFFICERS — NATIONAL TRIENNIAL CONVENTION**

*Sub-Section (1)*

At each National Triennial Convention or at a Special National Convention, if notice is given, a Nominations Committee of at least five (5) persons shall be appointed by the AEC from among those present, other than staff.

*Sub-Section (2)*

The duties of the Nominations Committee shall be:

- (a) To receive nominations for each of the offices of:
  - National President
  - NEVP
  - Alternate NEVP
- (b) to verify the eligibility of nominees for office;
- (c) to ascertain the willingness of nominees to accept and perform the duties of any office to which they may be elected; and
- (d) to report to the National Triennial Convention the names of all such nominees.

*Sub-Section (3)*

Nominations for all offices filed with the Nominations Committee shall be in writing, signed by a nominator and a seconder, each of whom shall be an accredited delegate.

*Sub-Section (4)*

The Chairperson of the Nominations Committee shall be appointed by the AEC, and shall conduct the election of all officers. The Chairperson shall have the power to appoint scrutineers and assistants deemed necessary to conduct the elections in an orderly manner, subject to the limitations of Sub-Section (1).

*Sub-Section (5)*

The election of the National President, the NEVP and the Alternate NEVP shall be conducted in turn. Each office shall be called in turn and completed before the next office is called. In addition to the names of the nominees for each office reported by the Nominations Committee, further nominations for each office in turn shall be called from the floor of the National Triennial Convention.

*Sub-Section (6)*

As the election for each office is called, the Nominee, Nominator or Secunder of each nominee, whether filed previously with the Nominations Committee or nominated from the floor, may speak to the National Triennial Convention for not more than three (3) minutes on behalf of that nominee.

*Sub-Section (7)*

The election to each office shall be by secret ballot. A blank ballot paper shall be distributed to all in attendance entitled to vote, for each office in turn as it is called. Each person in attendance entitled to vote shall write on the ballot paper the name of his/her choice for the office called, from among the nominees for the office.

*Sub-Section (8)*

Election to any office shall be declared only on receipt of a clear majority of the ballots cast with standings revealed to voting delegates after each ballot. In the event that more than two (2) nominees stand for election to any one office, the election procedure shall be by way of elimination.

*Sub-Section (9)*

In the event of a tie vote, the Chairperson shall immediately take a second ballot without recess or adjournment. If this results in a second tie vote, the Chairperson shall call a short recess before taking the third ballot.

*Sub-Section (10)*

- (a) In the event of a vacancy in the office of National President, the position shall be filled by the NEVP.
- (b) A vacancy in the office of the NEVP shall be filled by the Alternate NEVP. A vacancy in the position of Alternate NEVP shall be filled in accordance with paragraph (d) of this Sub-Section.
- (c) A vacancy in the office of the REVP shall be filled by ascension of the Alternate REVP from the same region. A vacancy in the office of Alternate REVP shall be filled in accordance with the applicable Regional By-Laws.
- (d) Subject to the limitations imposed by paragraphs (a), (b) or (c) of this Sub-Section, in the event of a vacancy occurring six (6) months or more prior to the National Triennial Convention in any of the positions on the NBoD, other than those occupied by REVPs or representatives of Components, nominations shall be called by the AEC from amongst the membership in good standing of the PSAC. A period of not more than thirty (30) days from the date of notice of the vacancy shall elapse and the AEC shall ensure that the nominees are members in good standing and are prepared to stand for office. If an election is necessary, it shall be conducted by the AEC in accordance with procedures adopted by the NBoD, except that only those delegates from the last Convention still in good standing shall be eligible to vote.

## **SECTION 24**

### **FINANCES AND COLLECTION OF DUES**

#### *Sub-Section (1)*

The amount of monthly dues payable by each deductee and member of the PSAC to the PSAC Centre shall be determined by the National Triennial Convention. This shall include an amount established by the National Triennial Convention to be set aside for an emergency fund. Such Fund shall be governed by Regulations adopted by the NBoD.

#### *Sub-Section (2)*

The amount of monthly dues payable by each deductee and member of the PSAC to the Component to which the member is assigned shall be determined by the By-Laws of the Component.

#### *Sub-Section (3)*

- (a) The amount of monthly dues payable by each deductee and member of the PSAC in accordance with Section 8, Sub-Section (7) (a) will be determined by the AEC based on the average membership dues paid by those members who have been assigned to an established Component.

- (b) Notwithstanding Sub-Section 3 (a), the AEC may recommend to the NBoD, and the NBoD may approve, membership dues lower than the average membership dues paid by those members who have been assigned to an established Component if:
  - (i) the amount of dues is sufficient to adequately service the Local; and
  - (ii) lower than average dues are, in the opinion of the NBoD, in the best interest of the PSAC.

*Sub-Section (4)*

Notwithstanding other provisions of this Section, the AEC shall be empowered to establish lower PSAC Centre dues, for an interim period of three (3) years, for groups of workers who agree to merge with or join the PSAC.

- (a) the initial dues paid by these members are no lower than the dues, and/or membership fees, that they paid to another union or association immediately prior to merging with or joining the PSAC; and
- (b) the dues paid by these members increase in equal annual installments until the third anniversary of the date they merged with or joined the PSAC, at which time the dues paid by these members shall be equal to the dues established for other members.

*Sub-Section (5)*

Notwithstanding other provisions of this Section, the NBoD shall be empowered to establish a sliding scale of dues including Component and Local dues for locally-engaged employees outside Canada.

*Sub-Section (6)*

Collection of the total amount of monthly dues as provided by Sub-Sections (1), (2) and (4) shall be by payroll deduction, except for those members where facilities are not available for payroll deductions, in which case, dues may be paid by cheque.

*Sub-Section (7)*

Notwithstanding Sub-Sections (1) and (5) of this Section, members who receive remuneration during a legal strike of their bargaining unit, shall be required to remit 25% of the remuneration they receive from the employer for each day worked during the legal strike to the PSAC. The monies received under this Sub-Section shall be set aside for a Hardship Fund. Such Fund shall be governed by Regulations adopted by the NBoD.

*Sub-Section (8)*

All monthly dues collected through the payroll deduction shall be authorized by the PSAC to be paid to the PSAC by the employer in the amount per deductee and member as provided by Sub-Sections (1), (2) and (4) of this Section and in the manner provided by Sub-Section (9) of this Section.

*Sub-Section (9)*

- (a) Notwithstanding Sub-Sections (1) and (5) of this Section, members who receive remuneration during a legal strike and who have been fined under Section 25, Sub-Section (3) shall remit the amount of the fine to the PSAC or any of its subordinate bodies. The monies received under this Sub-Section shall be directed to the body that initiated the disciplinary action.
- (b) The PSAC and its Components, Branches, Locals and DCLs shall have the authority to pursue all legal avenues to ensure that members pay any penalties imposed under Section 24, Sub-Section (9) (a). The body that initiated the disciplinary action may request assistance from other levels of the PSAC in order to pursue the monies owed by the members who receive remuneration during a legal strike and who have been fined in accordance with Section 25, Sub-Section (3) of this Constitution.
- (c) The PSAC shall notify Locals, DCLs and its Components on receipt of any funds from fines collected pursuant to Section 25, Sub-Section (3) of this Constitution.

*Sub-Section (10)*

The PSAC Centre shall ensure that the Component portion be transmitted at the earliest possible date.

*Sub-Section (11)*

Authority for all subsequent changes in the monthly dues by payroll deduction on behalf of the PSAC shall be vested in the PSAC. The PSAC Centre shall be responsible for notifying each paying authority through which any members of the PSAC are paid.

*Sub-Section (12)*

The finances of the PSAC Centre shall be audited annually by a qualified and licensed Public Accountant approved by the NBoD. Copies of the audited annual statements, together with a comparative statement of the annual budget, shall be distributed to all Components for distribution to their subordinate bodies, and a distribution shall be made by the PSAC Centre to Area Councils.

*Sub-Section (13)*

All monies received shall be deposited in a chartered bank, designated by the NBoD, to the credit of the PSAC.

*Sub-Section (14)*

Funds required for current expenditures shall be maintained in a bank account or accounts opened as instructed by the AEC.

*Sub-Section (15)*

Funds not required for current operation may be invested in securities by the AEC. Such investments shall only be in securities authorized by the laws of Ontario for Trustees.

*Sub-Section (16)*

Cheques shall be signed by the Director of the Finance Branch and any one of:

- (a) the National President; and
- (b) an AEC Officer designated by the National President.

In the absence of the Director of the Finance Branch, a designated AEC Officer shall sign cheques in his/her stead.

*Sub-Section (17)*

The AEC may, upon authorization of the NBoD, enter into an agreement with a chartered bank for the purpose of borrowing monies, under arrangements as deemed necessary by the bank.

*Sub-Section (18)*

Each member of the AEC shall be bonded in an amount of not less than \$100,000. All other staff concerned with the administration of finances or the control of equipment and supplies shall also be bonded in amounts decided by the AEC. The cost of all such bonds shall be borne by the PSAC.

*Sub-Section (19)*

Standing advances for expense purposes as approved by the AEC shall be provided on an imprest account basis to all elected and appointed officers, organizers and staff.

*Sub-Section (20)*

Remuneration of elected and appointed officers, organizers and staff and other persons for expenses incurred while on official business for the PSAC Centre shall be governed by Regulations established by the NBoD. Such Regulations shall be promulgated within sixty (60) days of their adoption and shall be subsequently ratified by the National Triennial Convention.

*Sub-Section (21)*

Remuneration of delegates, including members of the NBoD, to any National Triennial Convention of the PSAC, shall be paid by the PSAC Centre.

Remuneration shall consist of all necessary transportation, hotel accommodation, per diem at a flat rate to cover subsistence expenses incurred during attendance at the National Triennial Convention, the flat rate to be struck at the opening session of the Convention, and actual salary or wages for time lost. Salary for time lost shall not be payable to any full-time elected or appointed officer of the PSAC in attendance at any National Triennial Convention of the PSAC.

*Sub-Section (22)*

- (a) Members on leave without pay who do not have alternative paid employment as defined in Section 4, Sub-Section (2) (f) shall not be required to pay dues while on leave.
- (b) Members who have been laid off as defined in Section 4, Sub-Section (2) (e) shall not be required to pay dues.

*Sub-Section (23)*

A Component shall remit quarterly the PSAC Centre's portion of the dues collected from all cash dues-paying members. A list of names and home addresses of all such members shall accompany each remittance.

*Sub-Section (24)*

All cheques and money orders covering remittance to the PSAC Centre shall be made payable to the PSAC and not to any officer of the PSAC.

*Sub-Section (25)*

The PSAC Centre shall not be responsible for payment of any account which has not been authorized by the AEC by minute or delegation.

*Sub-Section (26)*

In order to sustain the financial stability of the PSAC, in the event any Component decides to withdraw from the PSAC, this shall only be done following one year's notice to the PSAC and then only on the authority of a resolution to this effect adopted and passed by a majority consisting of two-thirds (2/3) of those eligible to vote at a constitutionally-called Convention of the Component.

*Sub-Section (27)*

The fiscal year of the PSAC shall be the calendar year ending December 31<sup>st</sup>.

## **SECTION 25**

### **DISCIPLINE**

*Sub-Section (1)*

The NBoD shall have the authority, by resolution passed by a majority consisting of two-thirds (2/3) of those eligible to vote, to suspend or expel from membership any PSAC National Officer; any Regional Council, Component, Local, Area Council, or any of their officers or members, for contravening any provision of the Constitution of the PSAC or the By-Laws of any Regional Council or any By-Laws of any Component or the By-Laws of any Local or for causes as listed in Sub-Section (5) of this Section.

- (a) An officer or member suspended from membership shall be removed from an office held for a period not exceeding five (5) years. Any person or persons suspended shall turn over to the PSAC all records, documents, funds or property that are held in trust for the PSAC, a Regional Council, a Component, a Local or an Area Council.
- (b) An officer or member expelled from membership shall be removed from an office held for a period up to life, subject to a review process every five (5) years. Any person or persons expelled shall turn over to the PSAC all records, documents, funds or property that are held in trust for the PSAC, a Regional Council, a Component, a Local or an Area Council.

*Sub-Section (2)*

The NBoD shall have the authority by resolution passed by a majority consisting of two-thirds (2/3) of those eligible to vote, to remove from office any PSAC National Officer; any Regional Council, Component, Local or Area Council officer for contravening any provision of the Constitution of the PSAC or the By-Laws of any Component or Local or for causes as listed in Sub-Section (5) of this Section. An officer removed from office shall not be allowed to hold office for a period not exceeding five (5) years. Any person or persons removed from office shall turn over to the PSAC all

records, documents, funds or property that are held in trust for the PSAC, a Component, a Local or an Area Council.

*Sub-Section (3)*

Any disciplinary action taken under the provisions of Sub-Sections (1) and (2) of this Section for a cause listed in Sub-Section (5) (n) of this Section shall include the imposition of a fine that equals the amount of daily remuneration earned by the member, multiplied by the number of days that the member crossed the picket line, performed work for the employer or voluntarily performed struck work.

*Sub-Section (4)*

- (a) Any disciplinary action taken under the provisions of Sub-Sections (1) and (2) of this Section, the applicable Regional Council, Component, Local, Branch or Area Council By-Laws, may be appealed to a tribunal empowered to hear appeals which shall make final and binding decisions thereon. The Chair of the tribunal shall be an independent person agreed to by both parties or appointed by an appropriate labour organization where there is no mutual agreement.
- (b) All terms and conditions of the tribunal shall be contained in an appropriate Regulation adopted by the PSAC NBoD.

*Sub-Section (5)*

A PSAC, Regional Council, Component, Local, Area Council officer or member, is guilty of an offense against this Constitution who:

- (a) violates any of the provisions of this Constitution;
- (b) obtains membership or solicits membership by misrepresentation;
- (c) institutes, urges or advocates that a member institute action in a court of law against the PSAC, any of its constituent parts or any of their officers without first exhausting all remedies through appeal within the PSAC;
- (d) other than through proper Component channels, advocates or attempts to bring about the withdrawal from the PSAC, its Regional Councils, Components or Locals of any member or group of members;
- (e) publishes or circulates among the members, false reports or misrepresentations;
- (f) works in the interest of a rival organization;
- (g) slanders, libels or willfully wrongs an officer of the PSAC, its Regional Councils, Components, Locals or Area Councils;

- (h) uses abusive language or disturbs the peace of any meeting or around any office or meeting place of the PSAC, its Regional Councils, Components, Locals or Area Councils;
- (i) fraudulently receives or misappropriates any monies due to the PSAC, its Regional Councils, Components, Locals or Area Councils;
- (j) uses the name of the PSAC for soliciting funds or advertising without the consent of the AEC;
- (k) furnishes without prior authority a list or any information on the membership of the PSAC, its Regional Councils, Components or Locals, to any person or persons other than those whose official position in the PSAC, its Regional Councils, Components or Locals, would entitle them to have such information;
- (l) deliberately interferes with an official of the PSAC or its Components, in the discharge of duties;
- (m) engages in any other conduct prejudicial to the good order and discipline of the PSAC;
- (n) is a worker in a legal strike position, who either crosses the picket line or is paid by the employer not to participate in strike action, or performs work for the employer, unless required to do so by law, or who voluntarily performs struck work;
- (o) being a PSAC, Regional Council, Component or Local Officer who willfully does not initiate disciplinary action against scabs as defined in paragraph (n) of this Section; or
- (p) sexually or personally harasses another member.

*Sub-Section (6)*

Any member can initiate disciplinary action against any PSAC, Component or Local Officer under Sub-Section (5) (o) of this Section.

*Sub-Section (7)*

Within six (6) months of the conclusion of a ratification vote, members of the NBoD shall be responsible for providing the AEC with a status report on disciplinary actions taken against scabs within their Component. The report shall include details of disciplinary action undertaken by Locals and what steps have been taken to ensure that the disciplinary action is taken against scabs as specified in this Constitution.

*Sub-Section (8)*

A Regional Council, Component, Local or Area Council which has not carried out the responsibilities required by this Constitution shall be considered to be in violation of

this Constitution, and the NBoD shall have the authority to appoint a trustee with the responsibility to manage the Regional Council, Component, Local or Area Council's affairs and to bring about its compliance with this Constitution without delay.

## **SECTION 26**

### **AMENDMENT OF CONSTITUTION**

#### *Sub-Section (1)*

Any amendment of, deletion from, or addition to this Constitution shall become effective by approval:

- (a) of two-thirds (2/3) of the delegates voting at a National Triennial Convention of the PSAC; or
- (b) between National Triennial Conventions, by approval of a majority of those voting in a membership referendum providing that fifty percent (50%) of eligible members vote in the referendum that must have been ordered by a two-thirds (2/3) majority of the NBoD.

#### *Sub-Section (2)*

Resolutions for the alteration of this Constitution may be submitted directly to the PSAC Centre, or to any committee of the PSAC set up to receive them, by any Component of the PSAC.

#### *Sub-Section (3)*

Unless otherwise specified, any amendment of, deletion from, or addition to this Constitution shall become effective at the time of its adoption.

## **SECTION 27**

### **PROCEDURES FOR THE RESOLUTION OF JURISDICTIONAL ISSUES OR DISPUTES**

#### *Sub-Section (1)*

The PSAC undertakes to respect the established jurisdiction of each Component which likewise undertakes to respect the jurisdiction of every other Component.

#### *Sub-Section (2)*

- (a) The PSAC Centre and Components recognize that it is in the best interest of the PSAC membership that jurisdictional issues that may arise between Components be resolved in a timely way and, where possible, by mutual agreement.

- (b) The PSAC Centre and Components recognize that while voluntary agreements and/or mergers between Components are the best way to resolve jurisdictional issues, the process will, at times, require the assistance of an independent party.

*Sub-Section (3)*

Pursuant to Sub-Section (4) (a), when a Component believes that jurisdictional issues exist between itself and one or more other Components that need to be resolved, it is responsible for initiating jurisdictional discussions with the other Component(s).

*Sub-Section (4)*

- (a) Any Component can initiate jurisdictional discussions with another Component or Components, providing that it does so in writing, and providing that the letter outlines the issues and affected members that it believes are involved, states the Component's desire to enter into discussions, and requests a meeting with the other Component(s). The Component letter initiating the jurisdictional dispute must be copied to the PSAC National President.
- (b) The PSAC National President shall convene a meeting of the Components involved in the jurisdictional dispute within 30 days of having been notified of the dispute.

*Sub-Section (5)*

- (a) A Component involved in jurisdictional discussions with another Component or Components can declare an impasse at any time subsequent to the initial meeting as outlined in Sub-Section (4) (b).
- (b) The PSAC National President can declare an impasse at any time subsequent to being officially informed of a jurisdictional dispute between two (2) or more Components.

*Sub-Section (6)*

- (a) If mediation is rejected by one or more of the Components involved in the jurisdictional dispute; or
- (b) if, at any time, in the opinion of the PSAC National President, it is clear that mediation will fail to resolve the outstanding jurisdictional issues;

the AEC will either:

- (a) with the agreement of all parties, submit the jurisdictional dispute to an independent third party for a binding decision; or

- (b) order a vote of all affected members to determine which Component will represent them. Such a vote is to be held within 180 days of the official notice by a Component that an impasse has not been resolved.

*Sub-Section (7)*

- (a) The AEC shall be responsible for the preparation of the ballot, and a letter to members identifying the issues in dispute. Components that are included on the ballot will be given an opportunity to prepare a letter explaining their position on the issues, membership dues, structure and the services they provide for inclusion in the voting kit, providing that the letter does not exceed two (2) pages in each official language.
- (b) Components shall be permitted to put out additional pieces of information, but only if they have been vetted and approved by a Committee of two (2) Component Presidents and an AEC Officer.

## **SECTION 28**

### **GENERAL**

*Sub-Section (1)*

Unless expressly provided otherwise in this Constitution, all decisions requiring a vote shall be decided by a simple majority.

*Sub-Section (2)*

Except at meetings of the NBoD, any decision requiring a vote shall be decided by a secret ballot upon adoption of a motion to that effect.

*Sub-Section (3)*

- (a) In all matters to be referred to the membership for referendum vote, either by reason of emergency or on the instruction of a National Triennial Convention, the National Triennial Convention, where possible, shall decide if such a vote will require a two-thirds (2/3) majority or a simple majority of those voting.
- (b) Where it is not possible to have the decision rendered by the National Triennial Convention, it shall be made by the NBoD.

*Sub-Section (4)*

Any referendum vote shall be by means of a secret, unsigned ballot.

*Sub-Section (5)*

The PSAC shall provide services to the members in the official language of their choice.

## **SECTION 29**

### **OATH OF OFFICE**

“I ..... having been elected an officer of the PSAC, solemnly declare that for my term of office, I shall abide by and uphold this Constitution, fulfill the duties of such office, will maintain and uphold the dignity of the Union and will always keep confidential all matters concerning the affairs of the Union that are brought to my attention.”